

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS III,

Plaintiff,

v.

PATRICE WALLS, et al.,

Defendants.

No. 4:23-cv-01092-HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on self-represented plaintiff Clint Phillips III’s application to proceed in the district court without prepaying fees and costs. The Court finds that Phillips lacks sufficient funds to pay the filing fee and will grant the motion. Additionally, for the following reasons, the Court will dismiss plaintiff’s complaint on initial review pursuant to 28 U.S.C. § 1915(e)(2)(B).

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e)(2), the Court must dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim under 42 U.S.C. § 1983, a plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw upon judicial experience and common sense. *Id.* at 679. The court must “accept as true the facts alleged, but not legal conclusions or threadbare recitals of the

elements of a cause of action, supported by mere conclusory statements.” *Barton v. Taber*, 820 F.3d 958, 964 (8th Cir. 2016); *see also Brown v. Green Tree Servicing LLC*, 820 F.3d 371, 372-73 (8th Cir. 2016) (stating that the court must accept factual allegations in complaint as true, but is not required to “accept as true any legal conclusion couched as a factual allegation”).

The Complaint

Plaintiff Clint Phillips III brings this civil action against defendants Patrice Walls, #1 Publishing Company, Amazon Co., Inc., the Federal Trade Commission, and Unknown Accomplices. He claims that starting in an unknown year in the twentieth century, Patrice Walls published libelous books that included plaintiff’s name and likeness. He states defendants #1 Publisher and Amazon Co., Inc. also published libelous books. He alleges they also made slanderous public statements about him, “including but not limited to copyright and patent infringements allowed by the Federal Trade Commission via Amazon Co. Inc.”

For relief, plaintiff seeks an injunction to remove all libelous books from the shelves and stock of any stores selling them. He also seeks a total of more than \$100 million in damages.

Discussion

Plaintiff’s complaint attempts to bring copyright and patent infringement claims against four defendants and an unknown number of unnamed accomplices. Plaintiff has not alleged any facts that would support any claims of copyright and patent infringement. He does not allege he owns any copyrights or patents and he does not allege how any copyrights or patents (if he owned them) were infringed. To the extent he seeks to allege slander or libel against defendants, the Missouri state courts are the proper jurisdiction for these claims.

For these reasons, plaintiff’s complaint will be dismissed on initial review for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B).

Accordingly,

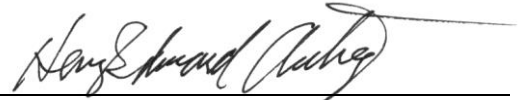
IT IS HEREBY ORDERED that plaintiff's application to proceed in the district court without prepaying fees and costs is **GRANTED**. [ECF No. 2]

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED without prejudice**.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel and motion for summary judgment are **DENIED as moot**. [ECF Nos. 3 and 4]

An Order of Dismissal will accompany this Opinion, Memorandum and Order.

Dated this 11th day of January, 2024.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE